

### **REMARKS**

Claims 24 to 45 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 24 to 29, 34 to 38, 40, 41 and 43 to 46 were rejected under 35 U.S.C. §102(b) as being anticipated by Haug (DE 20000002).

Claims 30 to 33, 39 and 42 were objected to as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reconsideration of the application based on the following is respectfully requested.

#### **Rejection under 35 U.S.C. § 112, second paragraph**

Claims 24 to 45 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for including the phrase “can be” in independent claims 24, 34, 44 and 45.

Independent claims 24, 34, 44 and 45 have been amended to remove the phrase “can be” and are hereby submitted as being clear and definite.

Withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, to independent claims 24, 34, 44 and 45, and claims depending therefrom, is respectfully requested.

#### **Rejection under 35 U.S.C. § 102(b)**

Claims 24 to 29, 34 to 38, 40, 41 and 43 to 46 were rejected under 35 U.S.C. §102(b) as being anticipated by Haug (DE 20000002).

Haug discloses a stanchion 1 which can be mounted on a fixing member 11. Stanchion includes a stanchion body 2, 3 and a lever arrangement 5, 18, 21 configured to raise and lock the stanchion 1. A pivot member 5 can be pivoted around an axis defined by two axis portions 6 provided in the stanchion body 2, 3. As best seen in Fig. 3b, the lower end of pivot member 5 embodied as rounded leg 9 can be received in a half-tubular bearing element 10 of fixing member 11. A knee lever arrangement 18 includes an upper lever 18b and a lower lever 18a that are pivotally connected to each other at axis 19. Upper lever 18b is pivotally connected to pivot member 5 at axis 20 while the lower end of lower lever 18a is attached using axis 17 in long hole 16. A portion of lower lever 18a extending beyond axis 19 is embodied as operating lever 21. A portion of lower lever 18a extending beyond axis 19 is embodied as an operating lever 21. An upper portion of fixing member 11 is embodied as a receptacle for receiving a wedge-type

engagement part 12 displaceably arranged on stanchion body 2. The wedge-type engagement part 12 is spring biased by a spring in a downward direction in order to engage into the receptacle 15. The spring biasing of the wedge-type engagement part 12 downward is supported against a counterbearing provided in the stanchion body 2 and is designed to slip into the receptacle 15 when the stanchion is locked on fixing member 11.

Claim 24, as amended, recites “[a] stanchion for a tarpaulin structure for locking on a fixing member, the stanchion comprising:

- a stanchion part;
- a lever arrangement configured to raise and lock the stanchion,
- a counterbearing rigidly attached to the stanchion part, and
- a supporting element insertable between the fixing member and the counterbearing, such that when the stanchion is locked, vertical forces are transmitted from the stanchion part through the counterbearing and the supporting element into the fixing member.”

It is respectfully submitted that Haug does not disclose “a supporting element insertable between the fixing member and the counterbearing, such that when the stanchion is locked, vertical forces are transmitted from the stanchion part through the counterbearing and the supporting element into the fixing member” as now recited in claim 24. The vertical forces acting on stanchion 1 in Haug are transmitted from the lower portion of pivot member 5 through axis portions 6 into stanchion body 2, 3. It is respectfully submitted that the wedge-type engagement member 12, which the Examiner asserts corresponds to the “counterbearing” of claim 24, cannot transmit vertical forces, because before transmitting any force, the spring biasing the wedge-type engagement member would become compressed. Accordingly, the wedge-type engagement member 12 is strictly locking the body 3 of stanchion 1 against the fixing member 11 in view of forces acting in a horizontal direction. Thus, when stanchion 1 in Haug is locked, no vertical forces are transmitted from any stanchion part that wedge-type engagement member 12 is rigidly attached, through wedge-type engagement member 12. Because Haug does not disclose this feature of claim 24, Haug does not anticipate claim 24.

Based on the foregoing, withdrawal of the rejection under 35 U.S.C. 102(b) of claim 24, and claims 25 to 29, 35 to 38, 40, 41 and 43 depending therefrom, is respectfully requested.

Claim 34, as amended, recites “[a] stanchion for a tarpaulin structure for locking on a fixing member that includes a lever arrangement having joints and configured to raising and lock the stanchion, the stanchion comprising:

a counterbearing; and

a supporting element insertable between the fixing member and the counterbearing, such that when the stanchion is locked, the joints of the lever arrangement do not transmit any vertical forces.”

It is respectfully submitted that Haug does not disclose “a supporting element insertable between the fixing member and the counterbearing, such that when the stanchion is locked, the joints of the lever arrangement do not transmit any vertical forces” as recited in claim 34. As discussed above, when stanchion 1 of Haug is locked, the vertical forces acting on stanchion 1 in Haug are transmitted from the lower portion of pivot member 5 through axis portions 6 into stanchion body 2, 3. Thus, because axis portions 6 transmit vertical forces when stanchion 1 of Haug is locked, Haug does not disclose this feature of claim 34 and Haug does not anticipate claim 34.

Based on the foregoing, withdrawal of the rejection under 35 U.S.C. 102(b) of claim 34 is respectfully requested.

Claim 44, as amended, recites “[a] stanchion arrangement for a tarpaulin structure, comprising

a fixing member;

a stanchion, for locking with and releasing from said fixing member, the stanchion comprising a counterbearing that is rigidly attached to the stanchion; and

a supporting element insertable between the fixing member and counterbearing.”

It is respectfully submitted that Haug does not disclose “a stanchion, for locking with and releasing from said fixing member, the stanchion comprising a counterbearing that is rigidly attached to the stanchion” as now recited in claim 44. As discussed above, the wedge-type engagement member 12 of Haug, which the Examiner asserts corresponds to the “counterbearing” of claim 24, is not rigidly attached to stanchion 1 of Haug. Thus, Haug does not disclose this limitation of claim 44 and Haug does not anticipate claim 44.

Based on the foregoing, withdrawal of the rejection under 35 U.S.C. 102(b) of claim 44 is

respectfully requested.

Claim 45, as amended, recites “[a] tarpaulin frame for a loading area built over by a tarpaulin structure, including longitudinal supports which run above edges of the loading area, wherein the longitudinal supports are supported against the loading area by at least one stanchion arrangement, said stanchion arrangement comprising:

- a fixing member;

- a stanchion, for locking with and releasing from said fixing member, the stanchion having a foot region and a counterbearing that is rigidly attached to the stanchion; and

- a supporting element insertable between the fixing member and the counterbearing, wherein the fixing member is secured in a region of the loading area and the stanchion is locked in the foot region on the fixing member and is supported against a corresponding longitudinal support by means of an upper supporting surface.”

As similarly discussed with respect to claim 44, it is respectfully submitted that Haug does not disclose “a stanchion, for locking with and releasing from said fixing member, the stanchion having a foot region and a counterbearing that is rigidly attached to the stanchion” as now recited in claim 45, because the wedge-type engagement member 12 of Haug is not rigidly attached to stanchion 1 of Haug. Thus, Haug does not disclose this limitation of claim 45 and Haug does not anticipate claim 45.

Based on the foregoing, withdrawal of the rejection under 35 U.S.C. 102(b) of claim 45, and claim 46 depending therefrom, is respectfully requested.

**CONCLUSION**

It is respectfully submitted that the application is in condition for allowance and Applicants respectfully request such action.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge any payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

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